

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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INSITUFORM TECHNOLOGIES, INC., )  
v. )  
Plaintiff, )  
 )  
AMERICAN HOME ASSURANCE )  
COMPANY, )  
Defendant. )  
 )  
CASE NO. 04-10487 GAO

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**AFFIDAVIT OF KURT M. MULLEN**

I, Kurt M. Mullen, depose and state as follows:

1. I am a member in good standing of the bar of the Commonwealth of Massachusetts. I am an associate at Nixon Peabody LLP, which represents Defendant American Home Assurance Company (“American Home”), in the above-captioned matter. I submit this affidavit in connection with American Home’s Opposition to Insituform’s Motion for Leave to Supplement the Record in Support of its Cross-Motion for Summary Judgment.

2. Attached as Exhibit 1 is a true and accurate copy of pages 1 through 5 and 174 through 177 of the manuscript of the Deposition of Thomas Porzio, taken January 23, 2007 (the “Porzio Day 1 deposition”), in connection with this matter.

3. Attached as Exhibit 2 is a true and accurate copy of pages 1 through 5 and 98 through 101 of the manuscript of the Deposition of Thomas Porzio, taken February 2, 2007 (the “Porzio Day 2 deposition”), in connection with this matter.

I declare under the penalty of perjury that the foregoing is true and correct. Executed this 20th day of July, 2007.

/s/ Kurt M. Mullen

Kurt M. Mullen